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Letter dated 23 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the peace process in Liberia, issued on 21 July 2003 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

03-44448 (E) 290703

Annex to the letter dated 23 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the peace process in Liberia issued on 21 July 2003 by the Presidency of the European Union on behalf of the European Union

The European Union stresses the importance of strict adherence to the ceasefire agreement signed in Accra on 17 June 2003 by the Government of Liberia and representatives of the rebel groups LURD and MODEL.

The European Union reiterates its strong support for the ECOWAS-led peace negotiations and its commitment to sustain a comprehensive peace agreement for Liberia. It calls on all parties to sign such a peace agreement without delay in order to allow the return of peace and stability to the country and the end of more than 13 years of conflict, which have caused immense suffering to the Liberian people.

The European Union calls attention to the gravity of the humanitarian situation in Liberia and the urgent need to provide assistance. It reminds the signatories of the ceasefire agreement of their obligation to respect international humanitarian law, respect human rights, ensure that humanitarian initiatives are protected and allow unimpeded access to territory under their control for humanitarian actors.

The European Union stresses the importance of an early deployment of the interposition force/international stabilization force. This must be accompanied by President Taylor immediately stepping down.

The European Union stands ready to consider support for such a force.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries members of the European Economic Area align themselves with this statement.

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Letter dated 28 July 2003 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I have the honour to write to you with regard to the letters and annexes from the Permanent Representative of Azerbaijan dated 2 May 2003 (S/2003/528) and 11 July 2003 (S/2003/706), circulated as documents of the Security Council.

In fact there is nothing new in the irresponsible policy of Azerbaijan to use all possible means to justify their groundless claims over Nagorno Karabagh and unsubstantiated allegations against Armenia. The motives for the continuous repetition of anti-Armenian propaganda at this time are absolutely obvious. They are the current circumstances of the upcoming presidential elections in Azerbaijan. In this context, it is not unexpected if the United Nations and other international organizations are deliberately flooded by Azerbaijan with a new wave of disinformation, with the clear intention of serving Azerbaijan's domestic political interests.

In regard to Azerbaijan's vacuous allegations about the presence of radioactive waste around Nagorno Karabagh, the representatives of the European Department of the International Atomic Energy Agency (IAEA) and the Europe Section of the Technical Cooperation Department of IAEA officially denied Azerbaijani charges that radioactive waste from the Armenian nuclear power plant is buried in territories adjacent to Nagorno Karabagh.

On the issue of vandalizing historical and cultural monuments, deeds speak louder than words. The Mosque in Shushi, for example, is being renovated under the auspices of the Nagorno Karabagh authorities, even as Azerbaijanis continue the destruction of Armenian historic monuments and tombstones in Nakhichevan and other formerly Armenian populated regions. Our reports and protests on this form of "ethnic cleansing" have been submitted to the appropriate international organizations. Armenian authorities and non-governmental organizations have requested UNESCO to review these destructions. However, Azerbaijan has refused to receive relevant experts.

As regards the implementation of Security Council resolutions (of 1993) on the Nagorno Karabagh conflict, a clear attempt is made by the Foreign Minister of Azerbaijan to apply these resolutions selectively in a partial, self-serving manner. Indeed, it is Azerbaijan which is in violation of these resolutions, which urge the parties concerned to pursue negotiations within the framework of the OSCE Minsk Group, as well as through direct contacts between them. Azerbaijan's refusal to engage in direct negotiations with the elected representatives of Nagorno Karabagh

is one of the main impediments to the resolution of the conflict. By denying various positive developments since the adoption of the Security Council resolutions, the author of the letters tries to discredit numerous efforts and initiatives undertaken by the co-chairpersons of the OSCE Minsk Group — the very body entrusted with the settlement of the conflict in the above-mentioned documents.

Azerbaijan fails to acknowledge that Armenia has done exactly what the Security Council has called on Armenia to do: to use its good offices with the leadership of Nagorno Karabagh to help find a peaceful solution to the conflict. Azerbaijan's claims for the "restoration of its territorial integrity" are legally and historically deficient since Nagorno Karabagh has never been part of independent Azerbaijan. The resulting situation is a forced reaction to Azerbaijan's own decision to use military force to suppress the legitimate and just quest of the people of Nagorno Karabagh to peacefully exercise their right of self-determination.

Finally, with regard to the accusations of recent ceasefire violations, it should be noted that those who are officially entitled to monitor the line of contact have drawn no conclusions which implicate the Armenian or Nagorno Karabagh defence forces. On the contrary, the ceasefire violations are the logical culmination of Azerbaijan's war-mongering of the past two years. It is totally unacceptable and alarming that Azerbaijani officials, including the Foreign Minister, are transparently exploring the possibilities for abandoning the negotiating process in favour of the military solution of the conflict. Instead, I should like to call on the Azerbaijani side to occupy themselves with the peace process constructively rather than resorting to unchanged rhetoric.

I should like to take this opportunity to reaffirm once again the position of the Government of Armenia, which is to work towards the peaceful resolution of the Nagorno Karabagh conflict through mutual compromises based on international norms and the realities on the ground.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

United Nations S/2003/766

Security Council

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Letter dated 28 July 2003 from the Secretary-General addressed to the President of the Security Council

By its resolution 1259 (1999) of 11 August 1999, the Security Council appointed Carla Del Ponte as Prosecutor of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda. In accordance with the statutes of the two Tribunals, the term of office of Ms. Del Ponte will come to an end on 14 September 2003. She is eligible for reappointment.

In accordance with article 16, paragraph 4, of the statute of the International Tribunal for the Former Yugoslavia, the Prosecutor of the International Tribunal for the Former Yugoslavia is appointed by the Security Council on nomination by the Secretary-General.

In accordance with article 15, paragraph 3, of the statute of the International Tribunal for Rwanda, the Prosecutor of the International Tribunal for the Former Yugoslavia also serves as the Prosecutor of the International Tribunal for Rwanda.

Pursuant to the responsibilities conferred upon me by those provisions of the statutes of the two Tribunals, I have consulted with the members of the Security Council regarding the appointment of the Prosecutor. In the light of those consultations, I have formed the view that it is now time to split the positions of Prosecutor of the International Tribunal for the Former Yugoslavia and the Prosecutor of the International Tribunal for Rwanda, so that they are occupied by different people. As the two Tribunals move towards implementing their respective completion strategies, it would seem to me essential, in the interests of efficiency and effectiveness, that each Tribunal have its own Prosecutor, who is able to devote his or her entire energies and attention to the organization, oversight, management and conduct of the outstanding investigations and prosecutions before that Tribunal.

Adoption of this measure would require the amendment by the Security Council of the statute of the International Tribunal for Rwanda. The amendments which I would propose to this end are set out in an annex to this letter. In the event that these amendments were adopted, the General Assembly would then be requested to approve the related increase that would be required in the budget of the International Tribunal for Rwanda.

Assuming that the Security Council were to adopt the amendments to the statute of the International Tribunal for Rwanda that I have proposed, it would then be my intention to submit to the Security Council the name of Carla Del Ponte as my nominee for the position of Prosecutor of the International Tribunal for the

03-44502 (E) 290703

Former Yugoslavia. In due course I would submit to the Security Council the name of another nominee for the position of Prosecutor of the International Tribunal for Rwanda. In the interim, it would be my intention to propose to the Security Council that it decide that, once Ms. Del Ponte's term of office has come to an end, the current Deputy Prosecutor of the International Tribunal for Rwanda, Bongani Christopher Majola, should act as the Prosecutor of that Tribunal, pending the appointment of another person to that post.

(*Signed*) Kofi A. **Annan**

Annex

Article 15
The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.

4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

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Report of the Secretary-General concerning the credentials of the representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 3 July 2003 by the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland stating that Sir Emyr Jones Parry has been appointed representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

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Letter dated 28 July 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith the memorandum of the Panmunjom Mission of the Korean People's Army, dated 23 July 2003 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Pak** Gil Yon
Ambassador
Permanent Representative

03-44611 (E) 310703

Annex to the letter dated 28 July 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

MEMORANDUM OF THE PANMUNJOM MISSION OF THE KOREAN PEOPLE'S ARMY

(ON THE OCCATION OF THE 50TH ANNIVERSARY OF THE SIGNING OF THE KOREAN ARMISTICE AGREEMENT)

Half a century has passed since the cessation of 3 years of severe war and the conclusion of the armistice in Korea. However there has not yet been a durable peace on this land and the people are under constant uneasiness and fear, misfortune and pain for the dark cloud of war still hovering over the Korean peninsula.

The modern history does not make any record of unstable duration of armistice, neither war nor peace, for a long period of half a century like in Korea.

The constant tension and the current misfortunes and sufferings being imposed upon the Korean people are entirely attributable to the hostile policy of the United States against the Democratic People's Republic of Korea (DPRK).

On the occasion of the 50th anniversary of the signing of the Armistice Agreement (AA), the Panmunjom Mission of the Korean People's Army (KPA) issues this memorandum, considering that it is necessary to inform the people all over the world of the criminal acts of the US who brought about nuclear threat and ceaseless danger of war on the Korean peninsula by having destroyed and violated all key provisions of the AA as well as sub-paragraph 13 d and Paragraph 60 which stipulate the prevention of recurrence of war in Korea and peaceful settlement of the Korean question.

I

All the Korean people and peace-loving people the world over had concentrated their concern and expectation to the Paragraph 60 when the AA was concluded, as a result of hot debates lasting over 500 days, on July 27, 1953, 50 years ago.

It is because Paragraph 60 stipulates; "in order to ensure the peaceful settlement of the Korean question, the military commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within 3 months after the AA is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiations the question of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc."

The implementation of the Paragraph 60 of the AA was precisely a matter of concern for removing the source of war by making it possible to withdraw all foreign forces from

Korea and to realize the national reunification by peaceful settlement of the Korean question, thus contributing to the peace in Asia and the rest of the world.

However, the US paid its primary attention to the unsuccessful implementation of the Paragraph 60, which became biggest obstacle to the realization of its hostile policy against the DPRK, of all others and left no means untried to prevent the convocation of the political conference scheduled to discuss the Paragraph 60.

Before the ink dried after the signing of the AA, the US concluded the "Mutual Defense Treaty" with south Korea according to the ready-made plan on August 8, 1953 and legalized the occupation of its troops in south Korea, openly challenging the Paragraph 60 of the AA which envisages the withdrawal of all foreign forces.

Along with this, the US made desperate efforts to break up the convocation of the political conference by using the UN that had been, in fact, deprived of its impartial status in resolving the Korean issue since it had become a belligerent party through the Korean war.

At the special session of the 7th UN General Assembly held on August 28, 1953, the US made a decision for holding preliminary talks for the political conference which was not stipulated in the AA by adopting a resolution on the political conference in the absence of the representative of the DPRK, a signatory party to the AA.

But the US made the preliminary talks, started at Panmunjom from October 26, 1953, waste the time of over 22 days in discussing the political agenda item only according to its plan and repeat tedious intensive controversies over the issues of participants, venue and time for the talks.

Relying on such a delaying tactics, the US side unilaterally withdrew its delegation from the conference room on December 12 without any appropriate reason, thus disrupting this talks on the 48th day from its beginning.

The fact that the US side has no intention to withdraw its armed forces from the Korean peninsula and peacefully resolve the Korean question was proved by the statement issued, in July, 1951 when the armistice negotiation began, by Acheson, the then US Secretary of the State Department, saying "Even though the AA reached, the US forces will keep stationing in Korea."

Despite our stubborn efforts, the political conference was failed to be convened by the machinations of the US side and Paragraph 60 of the AA was by no means realized owing to the US subversive maneuvers.

Succeeding in destruction of Paragraph 60 of the AA, the US side immediately went over to destroy Sub-paragraph 13 d of the AA which prohibited the armed reinforcement to prevent a recurrence of war in Korea.

Sub-paragraph 13 d of the AA describes; "cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons and ammunition."

This article was a great obstacle for the US side to step up its new war preparations in Korea.

Keeping this article intact, the US side could not modernize its equipment stationed in south Korea and it was also an obstacle to the immediate increase of the south Korean Army from 20 divisions to 40 and the modernization of combat equipment of its navy and air force under the name of "well-balanced extension of 3 services."

Especially this paragraph was preventing the US from introducing its nuclear weapons into south Korea scheduled by the then US President Eisenhower's so called "Large-scale retaliation strategy."

US destructive activities against Sub-paragraph 13 d of the AA began with the expelling from south Korea the Neutral Nations Inspection Teams (NNIT) which were acting in several areas such as Inchon, Taegu, Pusan, Kangrung and Kunsan, the 5 ports of entry in south Korea according to the Paragraph 43 of the AA in order to supervise the implementation of the Sub-paragraph 13 d.

At that time, those teams earnestly fulfilled their mission under the AA.

On July 31, 1953, the 4th day of the AA conclusion, the NNIT members in Pusan discovered the US illegal introduction into south Korea of 106 guns and hundreds of thousand rounds of variety of bullets and shells through Pusan Port with the label of "PX" and reported it to the Neutral Nations Supervisory Commission (NNSC) despite base intimidation and blackmail on the part of the US side.

And on November 8, 1954, they disclosed the US illegal act of illegally introducing over 5,439,000 rounds of variety of bullets and shells.

Also in other ports of entry the inspection team members detected a large number of US illegal acts in short period.

In 9 months alone after the ceasefire, the US side illegally introduced a large number of military weapons and equipment in flagrant violation of Sub-paragraph 13 d of the AA, numbering 177 combat aircraft, 465 artillery pieces of different calibers, 6,400 rockets, 1,365 machine guns and millions of artillery shells and ammunition, which were only detected by the inspection teams.

It became clear as days go by that its arms build-up plan could not be realized under the presence of the NNITs in south Korea,

Therefore, accidents of aircraft crash and automobile collision were organized intentionally by the US, which were followed by the brutal assaults on them and descents on their billets during 3 years when the members of the NNITs were dispatched to and engaged in their operations at the ports of entry in south Korea.

Moreover, the US threatened their safety and disturbed them in their action, using all possible ways and means including demonstrations against the members of the NNITs, under the slogan read "drive out the communist spies" at ports of entry where they moved in action.

On July 30, 1954, the US made Won Yong Dok, commander of Syngman Rhee's M.P. issue a statement of threat that the necessary measures would be taken if the members of the NNITs do not immediately withdraw from south Korea.

On July 31 next day, in Washington Syngman Rhee declared, in support of that statement, that he supported Won Yong Dok' s measures on the NNSC saying that such measures should have already been taken.

That afternoon, according to the "necessary measures" mentioned taken by the commander of MP, the billet of the NNITs in Pusan got fired in succession and the following day on August 1 in Kumsan hit by 3 bombs.

On August 4, the members of NNSC from Switzerland, Sweden, the former Czechoslovakia, Poland asked to cease all unjust acts against their regular action and protect their safety through letters under joint signature addressed to commander of United Nations Command (UNC) and senior member of the UNC Military Armistice Commission (MAC).

It was a reasonable claim corresponding to Sub paragraph 13 d and Paragraph 28 of the AA which stipulates to request the NNSC to conduct observations supervision inspections, and investigation.

In spite of that, Dulles, the then US Secretary of State revealed in the press conference the intention of the US side to remove the NNSC, the supervisory organ for AA implementation and the NNITs, its subordinate organ that put a brake on the war preparations of the US by saying that US approved the conclusion of the operations of the NNSC and the only thing to do was how to conclude its operations.

At last the US that had engaged in all sorts of machination in order to remove the NNITs, on May 31, 1956, announced to cease the activities of NNIT at ports of entry in south Korea at the 70th MAC meeting by making Guard, Senior Member of its side declare that the UNC was notifying that the UNC would suspend performance on its part

of those provisions of the AA governing the operations in the area under the control of the UNC of the NNSC and its NNITs.

A week after that, it committed a ferocity to expel simultaneously all the NNITs that were in action at 5 ports of entry in south Korea.

Thus, the US side recklessly abrogated, at once, Paragraphs 40, 41, 42, 43, 44, 45, 46 of the Article 2 of the AA.

Confronted with the grave situation created by the outrageous violation of the agreement on the part of the US, our side set forth at the 71st MAC meeting on June 4 and through the statement issued on June 10, 1956 a proposal to tentatively withdraw the inspection teams from the ports in north and south Korea and to dispatch provisional ones later in the case of need.

The aim of this proposal was to maintain the status and authority of the NNSC and its subordinate organs and to prevent the agreement from being abrogated because of the issue of the Neutral Nations Inspection Teams.

However, the US side not only arrogantly rejected this proposal but it went to the length of hatching a grave agreement-abrogation plot to remove the whole of Sub-paragraph 13 d from the AA and began to carry out its machinations.

Prior to the abrogation of Sub-paragraph 13 d, the high-ranking officials of the US Administration overtly claimed the inevitability of its abrogation.

On May 14, 1957, Dulles, US Secretary of State, said that the US should consider the way how to send more modern and effective weapons to the Republic of Korea.

On the same day, Wilson, Secretary of Defense, stated that the weapons the US was considering to arrange in south Korea would be of the same types of weapons provided to the western European allied countries and according to this, the American armed forces in south Korea would be reorganized into the pentomic units.

On May 28, the chairman of the headquarters of Joint Chiefs of Staff said that the Armistice was not to be maintained forever, so the US troops in south Korea should be provided with the new-type of weapons in the future.

Taking it a good chance, the US officially announced at the 75th MAC meeting that it would cease to observe Sub-paragraph 13 d of the AA, laying out a preposterous sophistry that in order to "restore the relative balance of the military strength" it is necessary to introduce the new-type weapons in view of the obsolete weapons not being manufactured in the United States.

On the same day, the Department of Defense proclaimed that the US government decided to introduce new-type weapons into south Korea.

This way, the US side opened up an avenue to convert south Korea into a nuclear ordinance store and advance base for war supplies and to accelerate war preparation, introducing all sorts of modern combat equipment, weapons and even nuclear weapons strictly prohibited by the Sub-paragraph 13 d of the AA.

The nuclear crisis began in fact at that time in the Korean peninsula and since then the Korean people has lived under the nuclear threat from the US.

On February 27, 1960, the Chief of General Staff of the US Army, Remnitzer confessed at the hearing of the House Appropriation Committee that the US has exerted its efforts for several years to succeed in the abrogation of Sub-paragraph 13 d of the AA and equip south Korea with new-type weapons.

In the wake of the unilateral proclamation of the abrogation of the Sub-paragraph 13 d, the US moved in July, 1957 the "UNC" from Tokyo to Seoul and engaged in all-out full-scale war preparations, introducing new-type weapons en masse.

In face of the grave confrontation, ceasefire or recurrence of war, the DPRK government issued statement on June 26, 1957, denouncing the US war preparation machinations and proposing a convocation of the international meeting of the countries concerned to settle the question of the withdrawal of all foreign forces from Korea, preserving a durable peace and to promote the peaceful settlement of the Korean question.

And on February 5, 1958, it issued a statement proposing to withdraw all foreign forces from Korea including the US Army and the Chinese Peoples Volunteers (CPV) at the same time to ward off the danger of recurrence of war under the situation that the US was introducing more massively new-type combat equipment and weapons and even was building up nuclear bases in south Korea.

The whole world expressed positive support to these proposals presented by the DPRK, but the US side did not accept them.

However, starting from the sincere desire to open up the road for the peaceful settlement of the Korean issue, the KPA/CPV side took initiative in declaring the unilateral withdrawal of the CPV from Korea as an active measure and completed the CPV' s withdrawal by 26 October 1959.

Nearly 45 years have passed after the CPV' s complete withdrawal from Korea.

But till now, the US keeps on stationing its troops in south Korea.

Today, none other than the US troops occupying south Korea are the root cause of constant tension and war threat on the Korean peninsula and of all misfortunes that the entire Korean people has been undergoing.

Out of these facts, the world should judge who on earth truly wishes the peace and stability on the Korean peninsula.

3

For the last 50 years, the US not only systematically abrogated and violated the provisions of the AA which became obstacles to the preparation of a new war in Korea but dismantled all supervisory organs for implementing the AA.

The US, that had dismantled the NNIT, a subordinate organ of the NNSC, and Joint Observation Team, a subordinate organ of the MAC stipulated by Paragraph 23, Article 2 of the AA which stood in the way for the preparation of the new Korean war, tried for a long time to dismantle even the MAC and the NNSC, the last existing supervisory organs.

On March 25, 1991, flagrantly violating Paragraph 20, Article 2 of the AA, the US appointed an army general of south Korea that was not a signatory party to the AA and therefore had no any qualification and authority to deal with the issues related to the AA, as senior member of the US side of the MAC.

This was an undisguised mockery to the MAC and vicious maneuvers to dismantle it.

After all, the US appointment of a general of the south Korean army as a senior member of the US side put an end to the existence of the MAC, and the NNSC that lost its business could not but fade away of its own accord.

In Panmunjom, the MAC and the NNSC, the supervisory organs of the Armistice exist no longer.

Thus far, the provisions related to the MAC from Paragraph 19 to 35 and the provisions related to the NNSC from Paragraph 36 to 50, Article 2 of the AA lost their functions and faded away.

Even if the current unstable ceasefire being scarcely maintained by both belligerent parties be destroyed, creating a grave situation in which another war may break out, there exists no longer any legal mechanism to prevent in and save the situation.

Under such circumstances, on April 28, 1994, the KPA side, continuously striving to prevent a recurrence of war and ensure peace and security on the Korean peninsula, presented to the US side a proposal for discussing the issue of converting the AA into a peace agreement and establishing a new peace-ensuring mechanism as a measure for keeping durable peace and security on the Korean peninsula.

This was a reasonable and fair proposal conducive to bring about durable peace on the Korean peninsula under the circumstances when the AA actually lost its effectiveness.

But the US refused our proposal for negotiations.

Since almost all the provisions are paralyzed and even the rest of the provisions of the AA falls to reflect reality, the KPA side made another proposal on February 22, 1996, to negotiate with the US side for concluding a provisional agreement which replaces the present AA and establishing a provisional body to perform it until a peace agreement reached.

Under the situation that the US rejected the conclusion of the peace agreement, this proposal was a realistic one which can be accepted by both sides as a provisional measure necessary in the transitional period pending the conclusion of a peace agreement to ease tension, prevent armed conflict and ensure security in the Korean peninsula.

But the US rejected again this proposal without any alternative proposal.

Since the AA lost its effectiveness and its executive organ dismantled and the US rejected our proposal for realizing a provisional agreement and organ, the KPA side set forth on October 9, 1998 a proposal on establishing a military commission for security as a military joint mechanism. This proposal was intended to prevent any military conflict and provide security on the Korean peninsula until the conclusion of peace agreement for durable peace in this area. And the military joint mechanism was to implement the existing provisions of the AA for the time being on the assumption that the spirit of the AA is still alive although most of its provisions had been abrogated.

This proposal reflected both generosity and self-restraint of the KPA side.

However, the US repeatedly rejected our sincere proposal without any verifiable reasons.

The proceeding of the armistice relations in Korea, which has brought about only disappointment and unrest to every body showed that as long as the US keeps on stationing in south Korea continuing its hostile policy against the DPRK, no one can expect any new development of situation in Korea and there can be no peaceful settlement of the Korean question in fact.

4

Recently, the AA of Korea has come to face a serious phase, complete abrogation of the AA owing to the US acts of crushing Korea to death.

It has already been known to the world that from its inception the current US Administration listed our Republic as part of an "axis of evil" and the "target of preemptive nuclear strike" and closely prepared for a preemptive military attack

Today the AA is utterly out of sight of the US.

Nowadays the US has mapped out the plan of the build up of war potential and is going to ship sophisticated arms and equipment to arm the US troops occupying south Korea, appropriating a large sum of fund of US$ 11 billion.

It also schemes to commit naval and airspace blockade against us, instigating satellite countries including Japan.

Needless to say, the US arms build-up and act of blockade constitute AA abrogation and acts of war.

Particularly, the "Operation Plan-5030", a new war plan drawn and issued anew by the US Department of Defense is a war plan that the US completely ignores the AA.

It clearly shows that the US military activities reached a critical stage.

The US "Operation Plan-5030" is an extremely adventurous war plan in which military operation is launched without warning from a large scale mobile exercise around the Korean peninsula and then transits to a sudden assault on us. This causes an ultimate vigilance to us and gives rise to serious concern from the world public.

The US has unilaterally abrogated Sub-paragraph 13 d of the AA and introduced a number of nuclear weapons into south Korea and made it as the biggest nuclear base in the Far East long time ago and now it clamors a preemptive nuclear strike.

In a word, it is beyond dispute that a new war in Korea will be a merciless showdown in which the US preemptive nuclear attack against us and our strike of retaliation will intersect with each other.

We are prepared for any kind of decisive battle.

The US has been adopting hostile policy against us for over half a century for only one reason that we do not give up our self-chosen socialist system and our sovereignty which is as precious as our life.

If the US thinks that threat and blackmail, and strong arm and pressure are panacea to control the world and miscalculate that it can yield Korea as it did in other places of the world, this is the height of folly.

Our people steadily realize that none other than the US is the root cause for our nation being bisected and suffering unendurable pain of division for a long time,

Our people have a deep rooted rancor against the US and their patience and power of self-restraint have long before reached its limit.

The Korean people have foreseen all developments which could be brought about by the US hostile policy against the DPRK and have firmly built a powerful military force, overcoming all kinds of trials with tightened belt, in order to counter with them for 50 years following the war.

The current rulers of the US should take a lesson from the miserable debacle of their former generation who signed the Korean AA 50 years ago, lamenting that the Korean War was the first lost war in the history of the United States.

One always regrets late.

Panmunjom, July 23, 2003.

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Letter dated 29 July 2003 from the Secretary-General addressed to the President of the Security Council

In my briefing to the Security Council on 16 July 2003, I informed the Council that the Economic Community of West African States (ECOWAS) had indicated its readiness to deploy 1,500 troops to Liberia by mid-August 2003, to serve as a "vanguard force" for the multinational force that I proposed in my letter of 28 June to the Security Council (S/2003/678). At their meeting in Dakar on 22 July 2003, the ECOWAS Defence and Security Commission and the ECOWAS Mediation and Security Council decided that the "vanguard force" would comprise two battalions from Nigeria (one of which would be transferred from the United Nations Mission in Sierra Leone) and a third battalion made up of troops contributed by Ghana (250 troops), Mali (250 troops) and Senegal (250 troops). The battalion coming from the United Nations Mission in Sierra Leone (UNAMSIL) would be deployed first, followed by the second Nigerian battalion from Lagos and, finally, the composite battalion from Ghana, Mali and Senegal.

I am deeply concerned at the dramatic deterioration of the situation on the ground, following renewed fighting in Monrovia on 18 July. It is therefore absolutely essential to accelerate the deployment of the ECOWAS vanguard force to Monrovia to pave the way for the early deployment of the multinational force. I am encouraged by the determination of ECOWAS and the Security Council to take the necessary steps to that end. The Government of Nigeria has indicated its willingness to begin deploying its two battalions to Liberia immediately, provided the necessary logistical support is made available by the international community. In this connection, on 25 July the United States of America announced that it will position appropriate military capabilities off the coast of Liberia to support the deployment of the ECOWAS forces.

The United Nations Mission in Sierra Leone stands ready to transport the Nigerian battalion that will be transferred from the Mission, since it was due for repatriation under the Mission's drawdown plan. Should it become necessary, and if authorized by the Security Council, UNAMSIL also has the capacity to sustain that battalion, as well as the second Nigerian battalion, for a limited period in Liberia without adversely affecting the Mission's operational capacity. To that end, I believe that it may be within the Security Council's jurisdiction to give UNAMSIL the necessary mandate to use its resources to provide full support for the deployment and sustainment of the ECOWAS vanguard force. I therefore appeal to the Council to give this matter urgent consideration.

03-44530 (E) 290703

As the Security Council is aware, the deployment of the ECOWAS vanguard force would be the first phase of an interlocking three-phase deployment. The deployment of the full multinational force would constitute Phase 2, followed by a United Nations peacekeeping operation, which would be Phase 3.

The Economic Community of West African States is currently finalizing the concept of operations of the vanguard force. The priority task of the ECOWAS vanguard force would be to stabilize the situation in Monrovia as President Taylor departs. It would, however, be important to reinforce the vanguard force in a timely manner. Phase 2 troops, particularly those from the Member State that would lead the multinational force, should arrive immediately after President Taylor's departure, in order to facilitate the installation of a successor Government and the delivery of humanitarian assistance. The multinational force would be relieved by a United Nations peacekeeping operation within the shortest possible time. I have therefore instructed the Secretariat to begin the necessary planning for the deployment of the envisaged United Nations peacekeeping mission.

The military component of such a United Nations operation would include ECOWAS troops from the multinational force, as well as other international troop contributors. It will be important for the Security Council to take an early decision on the establishment of the envisaged United Nations mission, in order to facilitate the timely generation of the military personnel required for this phase.

It would also be essential for the Security Council to authorize a robust mandate for the envisaged United Nations peacekeeping force, in order to ensure that it has a credible deterrence capability. The overall objective of the United Nations peacekeeping operation would be to support the implementation of the envisaged comprehensive peace agreement, culminating in the holding of free and fair elections, which should be a key — but not the only — benchmark for the gradual drawdown of the mission. The United Nations peacekeepers would provide a security umbrella and create the necessary conditions for the holding of the elections. Other specific tasks to be performed by the military component would include assisting the interim government in disarming and demobilizing the armed groups, providing security at vital locations and government buildings, including at major seaports and airports, facilitating the delivery of humanitarian assistance, and protecting civilians facing violence in areas of its immediate deployment.

Initially, the size of the United Nations peacekeeping mission is likely to be driven by the need to support key activities, in particular the political process, the humanitarian effort, and the disarmament, demobilization and reintegration programme. However, the specific number of troops and other personnel required would be determined by a multidisciplinary assessment mission to Liberia, which I intend to dispatch once vital areas of the country become accessible, following the deployment of the multinational force.

As indicated in my letter to the Security Council dated 8 July (S/2003/695), my Special Representative, Jacques Paul Klein, will lead and coordinate the activities of the United Nations in Liberia. It is my expectation that Mr. Klein's office will not only play an active role in the political process in Liberia, but will also constitute the advance party of a multidimensional United Nations peacekeeping mission. In view of the appointment of Mr. Klein, and the envisaged establishment of a United Nations operation in Liberia, the mandate of the United Nations Peace-building Support Office in Liberia will naturally have to be

terminated. The Office, including its staff and assets, would be absorbed by the office of my Special Representative.

As the security situation in Liberia stabilizes, and following the installation of an interim government, the United Nations presence and role in Liberia would be expanded, as necessary, with a view to giving the office of my Special Representative and other United Nations agencies the capacity to support the interim government. Pending the findings of the United Nations assessment mission, the following principal areas of support by the United Nations can be readily identified: working with the World Bank and the other stakeholders to develop and support a disarmament, demobilization and reintegration programme; supporting the resettlement of returning Liberian refugees and internally displaced persons and providing care for Sierra Leonean and Ivorian refugees in Liberia; supporting the restructuring and rehabilitation of the judiciary and the police force; assisting the interim government to extend its authority throughout the country; promoting respect for human rights and good governance; mobilizing bilateral assistance for the reform and restructuring of the army; and providing assistance for the conduct of free and fair national elections.

Given the envisaged interlocking nature of the deployments in the three phases described above, arrangements are being put in place for close coordination between ECOWAS, the United Nations and the lead country in the multinational force. ECOWAS has invited the Secretariat to provide military, logistics and budget officers to participate in a series of ongoing planning meetings convened by the subregional organization. The United States is also participating in those meetings. It is my expectation that similar arrangements will be put in place for planning the deployment of the full multinational force, including arrangements for the subsequent embedding of United Nations military planners in the headquarters of that force.

Subject to guidance by the Security Council, it is my intention to proceed immediately with the necessary preparations for the envisaged United Nations operation in Liberia.

(*Signed*) Kofi A. **Annan**

United Nations S/2003/770

Security Council

Distr.: General
30 July 2003

Original: English

Letter dated 28 July 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter of 30 April 2003 (S/2003/515), in which I informed the President of the Security Council of the re-establishment of the Panel of Experts, pursuant to paragraph 3 of Security Council resolution 1474 (2003) of 8 April 2003, concerning Somalia. I also referred to the composition of the Panel of Experts: Johan Peleman (Belgium) Chairman, Edward Howard Johns (United States of America), Mohamed Abdoulaye M'Backe (Senegal) and Pavanjeet Singh Sandhu (India).

I was subsequently informed that Mohamed Abdoulaye M'Backe is unable to complete his service for personal reasons.

Accordingly, in consultation with the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and taking into account the requirements stated in the above-mentioned resolution, I wish to inform you that I have decided to appoint John Tambi (Sierra Leone) to replace Mr. M'Backe.

(*Signed*) Kofi A. **Annan**

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United Nations S/2003/771

Security Council

Distr.: General
29 July 2003

Original: English

Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1462 (2003) of 30 January 2003,

Having considered the report of the Secretary-General of 21 July 2003 (S/2003/751),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by the two high-level meetings of the Group of Friends in Geneva and the subsequent meeting of the Presidents of Georgia and the Russian Federation in Sochi,

Welcoming also the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 21 July 2003 (S/2003/751);

2. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

3. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

4. *Stresses*, in particular, its strong support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

5. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

6. *Regrets* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

7. *Underlines further* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

8. *Welcomes* the convening of two meetings of senior representatives of the Group of Friends in Geneva and *particularly welcomes* the participation in a positive spirit of representatives of the two parties at the second meeting;

9. *Welcomes also* the identification in the first Geneva meeting of three sets of issues as key to advancing the peace process (economic cooperation, the return of internally displaced persons and refugees, political and security matters) and the following work on the substance of those issues, including in bilateral working groups by Russia and Georgia as agreed by the two Presidents in their meeting in Sochi in March 2003, and also in the initial high-level meeting of the parties on 15 July 2003, chaired by the Special Representative of the Secretary-General and with the participation of the Group of Friends;

10. *Further welcomes* the commitment of the parties to continue their dialogue on economic cooperation, refugee returns as well as political and security matters regularly and in a structured manner and their agreement to join the Group of Friends again towards the end of the year to review progress and explore future steps and *encourages* them to act upon that commitment;

11. *Calls on* the parties to spare no efforts to overcome their ongoing mutual mistrust;

12. *Calls again* on the parties to ensure the necessary revitalization of the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242), to implement the

proposals agreed on that occasion in a purposeful and cooperative manner, and to consider holding a fourth conference on confidence-building measures;

13. *Reminds* all concerned to refrain from any action that might impede the peace process;

14. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls on* both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG and consultations with UNHCR and the Group of Friends and recalls the understanding in Sochi by Georgia and the Russian Federation that the reopening of the Sochi-Tbilisi railway will be undertaken in parallel with the return of refugees and displaced persons, starting in the Gali district, *reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms also* the inalienable right of all refugees and IDPs affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration;

15. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and *requests* further measures to be undertaken inter alia by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions;

16. *Welcomes* the positive consideration by the parties given to the recommendations of the joint assessment mission to the Gali district, *urges them* once again to implement those recommendations and in particular *calls upon* the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

17. *Endorses* the recommendations by the Secretary-General in his report of 21 July 2003 (S/2003/751, para. 30) that a civilian police component of 20 officers be added to UNOMIG, to strengthen its capacity to carry out its mandate and in particular contribute to the creation of conditions conducive to the safe and dignified return of internally displaced persons and refugees, and *welcomes* the commitment of the parties to implement the recommendations by the security assessment mission of October to December 2002;

18. *Calls* in particular on the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

19. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

20. *Calls on* both parties publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of

illegal armed groups, and encourages the Georgian side in particular to continue its efforts to put an end to the activities of illegal armed groups;

21. *Welcomes* the relative calm in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, recalls its strong support to the protocol signed by the two sides on 2 April 2002 regarding the situation in the Kodori Valley, calls on both sides, and in particular the Georgian side, to continue to fully implement this protocol, and recognizes the legitimate security concerns of the civilian populations in the area, calls on the political leaders in Tbilisi and Sukhumi to observe security agreements, and calls on both sides to spare no efforts to agree to a mutually acceptable arrangement for security of the population in, and in the vicinity of, the Kodori Valley;

22. *Strongly condemns*, however, the abduction of four UNOMIG personnel of 5 June 2003, which is the sixth hostage taking since the establishment of the mission, *deeply deplores* that none of the perpetrators have ever been identified or brought to justice and *supports* the Secretary-General's call that this impunity must end;

23. *Welcomes* the additional safeguards for helicopter flights instituted in response to the shooting down of a UNOMIG helicopter on 8 October 2001, *calls*, once again, on the parties to take all necessary steps to identify those responsible for the incident, to bring them to justice, and to inform the Special Representative on the implementation of these steps;

24. *Calls on* the Georgian side to continue to improve security for joint UNOMIG and CIS peacekeeping force patrols in the Kodori Valley to enable them to monitor the situation independently and regularly;

25. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel;

26. *Welcomes* the constant review by UNOMIG of its security arrangements in order to ensure the highest possible level of security for its staff;

27. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 January 2004, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the CIS peacekeeping force;

28. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

29. *Decides* to remain actively seized of the matter.